

108TH CONGRESS
1ST SESSION

S. 180

To establish the National Aviation Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mr. DEWINE (for himself and Mr. VOINOVICH) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the National Aviation Heritage Area, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—NATIONAL AVIATION**
4 **HERITAGE AREA**

5 **SECTION 101. SHORT TITLE.**

6 This title may be cited as the “National Aviation
7 Heritage Area Act”.

8 **SEC. 102. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds the following:

1 (1) Few technological advances have trans-
2 formed the world or our Nation's economy, society,
3 culture, and national character as the development
4 of powered flight.

5 (2) The industrial, cultural, and natural herit-
6 age legacies of the aviation and aerospace industry
7 in the State of Ohio are nationally significant.

8 (3) Dayton, Ohio, and other defined areas
9 where the development of the airplane and aerospace
10 technology established our Nation's leadership in
11 both civil and military aeronautics and astronautics
12 set the foundation for the 20th Century to be an
13 American Century.

14 (4) Wright-Patterson Air Force Base in Day-
15 ton, Ohio, is the birthplace, the home, and an inte-
16 gral part of the future of aerospace.

17 (5) The economic strength of our Nation is con-
18 nected integrally to the vitality of the aviation and
19 aerospace industry, which is responsible for an esti-
20 mated 11,200,000 American jobs.

21 (6) The industrial and cultural heritage of the
22 aviation and aerospace industry in the State of Ohio
23 includes the social history and living cultural tradi-
24 tions of several generations.

1 (7) The Department of the Interior is respon-
2 sible for protecting and interpreting the Nation's
3 cultural and historic resources, and there are signifi-
4 cant examples of these resources within Ohio to
5 merit the involvement of the Federal Government to
6 develop programs and projects in cooperation with
7 the Aviation Heritage Foundation, Incorporated, the
8 State of Ohio, and other local and governmental en-
9 tities to adequately conserve, protect, and interpret
10 this heritage for the educational and recreational
11 benefit of this and future generations of Americans,
12 while providing opportunities for education and revi-
13 talization.

14 (8) Since the enactment of the Dayton Aviation
15 Heritage Preservation Act of 1992 (Public Law
16 102-419), partnerships among the Federal, State,
17 and local governments and the private sector have
18 greatly assisted the development and preservation of
19 the historic aviation resources in the Miami Valley.

20 (9) An aviation heritage area centered in
21 Southwest Ohio is a suitable and feasible manage-
22 ment option to increase collaboration, promote herit-
23 age tourism, and build on the established partner-
24 ships among Ohio's historic aviation resources and
25 related sites.

1 (10) A critical level of collaboration among the
2 historic aviation resources in Southwest Ohio cannot
3 be achieved without a congressionally established na-
4 tional heritage area and the support of the National
5 Park Service and other Federal agencies which own
6 significant historic aviation-related sites in Ohio.

7 (11) The Aviation Heritage Foundation, Incor-
8 porated, would be an appropriate management entity
9 to oversee the development of the National Aviation
10 Heritage Area.

11 (12) Five National Park Service and Dayton
12 Aviation Heritage Commission studies and planning
13 documents “Study of Alternatives: Dayton’s Aviation
14 Heritage”, “Dayton Aviation Heritage National His-
15 torical Park Suitability/Feasibility Study”, “Dayton
16 Aviation Heritage General Management Plan”,
17 “Dayton Historic Resources Preservation and Devel-
18 opment Plan”, and Heritage Area Concept Study (in
19 progress) demonstrated that sufficient historical re-
20 sources exist to establish the National Aviation Her-
21 itage Area.

22 (13) With the advent of the 100th anniversary
23 of the first powered flight in 2003, it is recognized
24 that the preservation of properties nationally signifi-

1 cant in the history of aviation is an important goal
 2 for the future education of Americans.

3 (14) Local governments, the State of Ohio, and
 4 private sector interests have embraced the heritage
 5 area concept and desire to enter into a partnership
 6 with the Federal Government to preserve, protect,
 7 and develop the Heritage Area for public benefit.

8 (15) The National Aviation Heritage Area
 9 would complement and enhance the aviation-related
 10 resources within the National Park Service, espe-
 11 cially the Dayton Aviation Heritage National Histor-
 12 ical Park, Ohio.

13 (b) PURPOSE.—The purpose of this title is to estab-
 14 lish the Heritage Area to—

15 (1) encourage and facilitate collaboration
 16 among the facilities, sites, organizations, govern-
 17 mental entities, and educational institutions within
 18 the Heritage Area to promote heritage tourism and
 19 to develop educational and cultural programs for the
 20 public;

21 (2) preserve and interpret for the educational
 22 and inspirational benefit of present and future gen-
 23 erations the unique and significant contributions to
 24 our national heritage of certain historic and cultural

1 lands, structures, facilities, and sites within the Na-
 2 tional Aviation Heritage Area;

3 (3) encourage within the National Aviation
 4 Heritage Area a broad range of economic opportuni-
 5 ties enhancing the quality of life for present and fu-
 6 ture generations;

7 (4) provide a management framework to assist
 8 the State of Ohio, its political subdivisions, other
 9 areas, and private organizations, or combinations
 10 thereof, in preparing and implementing an inte-
 11 grated Management Plan to conserve their aviation
 12 heritage and in developing policies and programs
 13 that will preserve, enhance, and interpret the cul-
 14 tural, historical, natural, recreation, and scenic re-
 15 sources of the Heritage Area; and

16 (5) authorize the Secretary to provide financial
 17 and technical assistance to the State of Ohio, its po-
 18 litical subdivisions, and private organizations, or
 19 combinations thereof, in preparing and implementing
 20 the private Management Plan.

21 **SEC. 103. DEFINITIONS.**

22 For purposes of this title:

23 (1) BOARD.—The term “Board” means the
 24 Board of Directors of the Foundation.

1 (2) FINANCIAL ASSISTANCE.—The term “finan-
2 cial assistance” means funds appropriated by Con-
3 gress and made available to the management entity
4 for the purpose of preparing and implementing the
5 Management Plan.

6 (3) HERITAGE AREA.—The term “Heritage
7 Area” means the National Aviation Heritage Area
8 established by section 4 to receive, distribute, and
9 account for Federal funds appropriated for the pur-
10 pose of this title.

11 (4) MANAGEMENT PLAN.—The term “Manage-
12 ment Plan” means the management plan for the
13 Heritage Area developed under section 106.

14 (5) MANAGEMENT ENTITY.—The term “man-
15 agement entity” means the Aviation Heritage Foun-
16 dation, Incorporated (a nonprofit corporation estab-
17 lished under the laws of the State of Ohio).

18 (6) PARTNER.—The term “partner” means a
19 Federal, State, or local governmental entity, organi-
20 zation, private industry, educational institution, or
21 individual involved in promoting the conservation
22 and preservation of the cultural and natural re-
23 sources of the Heritage Area.

24 (7) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (8) TECHNICAL ASSISTANCE.—The term “tech-
 2 nical assistance” means any guidance, advice, help,
 3 or aid, other than financial assistance, provided by
 4 the Secretary.

5 **SEC. 104. NATIONAL AVIATION HERITAGE AREA.**

6 (a) ESTABLISHMENT.—There is established in the
 7 States of Ohio and Indiana, the National Aviation Herit-
 8 age Area.

9 (b) BOUNDARIES.—The Heritage Area shall include
 10 the following:

11 (1) A core area consisting of resources in Mont-
 12 gomery, Greene, Warren, Miami, Clark, and Cham-
 13 paign Counties in Ohio.

14 (2) The Neil Armstrong Air & Space Museum,
 15 Wapakoneta, Ohio, and the Wilbur Wright Birth-
 16 place and Museum, Millville, Indiana.

17 (3) Sites, buildings, and districts within the
 18 core area recommended by the Management Plan.

19 (c) MAP.—A map of the Heritage Area shall be in-
 20 cluded in the Management Plan. The map shall be on file
 21 in the appropriate offices of the National Park Service,
 22 Department of the Interior.

23 (d) MANAGEMENT ENTITY.—The management entity
 24 for the Heritage Area shall be the Aviation Heritage
 25 Foundation.

1 **SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
2 **ENTITY.**

3 (a) **AUTHORITIES.**—For purposes of implementing
4 the Management Plan, the management entity may use
5 Federal funds made available through this Act to—

6 (1) make grants to, and enter into cooperative
7 agreements with, the State of Ohio and political sub-
8 divisions of that State, private organizations, or any
9 person;

10 (2) hire and compensate staff; and

11 (3) enter into contracts for goods and services.

12 (b) **DUTIES.**— The management entity shall—

13 (1) develop and submit to the Secretary for ap-
14 proval the proposed Management Plan in accordance
15 with section 106;

16 (2) give priority to implementing actions set
17 forth in the Management Plan, including taking
18 steps to assist units of government and nonprofit or-
19 ganizations in preserving resources within the Herit-
20 age Area and encouraging local governments to
21 adopt land use policies consistent with the manage-
22 ment of the Heritage Area and the goals of the
23 Management Plan;

24 (3) consider the interests of diverse govern-
25 mental, business, and nonprofit groups within the

1 Heritage Area in developing and implementing the
2 Management Plan;

3 (4) maintain a collaboration among the part-
4 ners to promote heritage tourism and to assist part-
5 ners to develop educational and cultural programs
6 for the public;

7 (5) encourage economic viability in the Heritage
8 Area consistent with the goals of the Management
9 Plan;

10 (6) assist units of government and nonprofit or-
11 ganizations in—

12 (A) establishing and maintaining interpre-
13 tive exhibits in the Heritage Area;

14 (B) developing recreational resources in
15 the Heritage Area;

16 (C) increasing public awareness of and ap-
17 preciation for the historical, natural, and archi-
18 tectural resources and sites in the Heritage
19 Area; and

20 (D) restoring historic buildings that relate
21 to the purposes of the Heritage Area;

22 (7) assist units of government and nonprofit or-
23 ganizations to ensure that clear, consistent, and en-
24 vironmentally appropriate signs identifying access

1 points and sites of interest are placed throughout
2 the Heritage Area;

3 (8) conduct public meetings at least quarterly
4 regarding the implementation of the Management
5 Plan;

6 (9) submit substantial amendments to the Man-
7 agement Plan to the Secretary for the approval of
8 the Secretary; and

9 (10) for any year in which Federal funds have
10 been received under this Act—

11 (A) submit an annual report to the Sec-
12 retary that sets forth the accomplishments of
13 the management entity and its expenses and in-
14 come;

15 (B) make available to the Secretary for
16 audit all records relating to the expenditure of
17 such funds and any matching funds; and

18 (C) require, with respect to all agreements
19 authorizing expenditure of Federal funds by
20 other organizations, that the receiving organiza-
21 tions make available to the Secretary for audit
22 all records concerning the expenditure of such
23 funds.

24 (c) USE OF FEDERAL FUNDS.—

1 (1) IN GENERAL.—The management entity
 2 shall not use Federal funds received under this Act
 3 to acquire real property or an interest in real prop-
 4 erty.

5 (2) OTHER SOURCES.—Nothing in this Act pre-
 6 cludes the management entity from using Federal
 7 funds from other sources for authorized purposes.

8 **SEC. 106. MANAGEMENT PLAN.**

9 (a) PREPARATION OF PLAN.—Not later than 3 years
 10 after the date of enactment of this Act, the management
 11 entity shall submit to the Secretary for approval a pro-
 12 posed Management Plan that shall take into consideration
 13 State and local plans and involve residents, public agen-
 14 cies, and private organizations in the Heritage Area.

15 (b) CONTENTS.—The Management Plan shall incor-
 16 porate an integrated and cooperative approach for the pro-
 17 tection, enhancement, and interpretation of the natural,
 18 cultural, historic, scenic, and recreational resources of the
 19 Heritage Area and shall include the following:

20 (1) An inventory of the resources contained in
 21 the core area of the Heritage Area, including the
 22 Dayton Aviation Heritage Historical Park, the sites,
 23 buildings, and districts listed in section 202 of the
 24 Dayton Aviation Heritage Preservation Act of 1992
 25 (Public Law 102–419), and any other property in

1 the Heritage Area that is related to the themes of
2 the Heritage Area and that should be preserved, re-
3 stored, managed, or maintained because of its sig-
4 nificance.

5 (2) An assessment of cultural landscapes within
6 the Heritage Area.

7 (3) Provisions for the protection, interpretation,
8 and enjoyment of the resources of the Heritage Area
9 consistent with the purposes of this Act.

10 (4) An interpretation plan for the Heritage
11 Area.

12 (5) A program for implementation of the Man-
13 agement Plan by the management entity, including
14 the following:

15 (A) Facilitating ongoing collaboration
16 among the partners to promote heritage tour-
17 ism and to develop educational and cultural
18 programs for the public.

19 (B) Assisting partners planning for res-
20 toration and construction.

21 (C) Specific commitments of the partners
22 for the first 5 years of operation.

23 (6) The identification of sources of funding for
24 implementing the plan.

1 (7) A description and evaluation of the manage-
2 ment entity, including its membership and organiza-
3 tional structure.

4 (c) DISQUALIFICATION FROM FUNDING.—If a pro-
5 posed Management Plan is not submitted to the Secretary
6 within 3 years of the date of the enactment of this Act,
7 the management entity shall be ineligible to receive addi-
8 tional funding under this Act until the date on which the
9 Secretary receives the proposed Management Plan.

10 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
11 PLAN.—The Secretary, in consultation with the State of
12 Ohio, shall approve or disapprove the proposed Manage-
13 ment Plan submitted under this Act not later than 90
14 days after receiving such proposed Management Plan.

15 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
16 retary disapproves a proposed Management Plan, the Sec-
17 retary shall advise the management entity in writing of
18 the reasons for the disapproval and shall make rec-
19 ommendations for revisions to the proposed Management
20 Plan. The Secretary shall approve or disapprove a pro-
21 posed revision within 90 days after the date it is sub-
22 mitted.

23 (f) APPROVAL OF AMENDMENTS.—The Secretary
24 shall review and approve substantial amendments to the
25 Management Plan. Funds appropriated under this Act

1 may not be expended to implement any changes made by
2 such amendment until the Secretary approves the amend-
3 ment.

4 **SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
5 **FEDERAL AGENCIES.**

6 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon
7 the request of the management entity, the Secretary may
8 provide technical assistance, on a reimbursable or non-
9 reimbursable basis, and financial assistance to the Herit-
10 age Area to develop and implement the Management Plan.
11 The Secretary is authorized to enter into cooperative
12 agreements with the management entity and other public
13 or private entities for this purpose. In assisting the Herit-
14 age Area, the Secretary shall give priority to actions that
15 in general assist in—

16 (1) conserving the significant natural, historic,
17 cultural, and scenic resources of the Heritage Area;
18 and

19 (2) providing educational, interpretive, and rec-
20 reational opportunities consistent with the purposes
21 of the Heritage Area.

22 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
23 Federal agency conducting or supporting activities directly
24 affecting the Heritage Area shall—

1 (1) consult with the Secretary and the manage-
2 ment entity with respect to such activities;

3 (2) cooperate with the Secretary and the man-
4 agement entity in carrying out their duties under
5 this Act;

6 (3) to the maximum extent practicable, coordi-
7 nate such activities with the carrying out of such du-
8 ties; and

9 (4) to the maximum extent practicable, conduct
10 or support such activities in a manner which the
11 management entity determines will not have an ad-
12 verse effect on the Heritage Area.

13 **SEC. 108. COORDINATION BETWEEN THE SECRETARY AND**
14 **THE SECRETARY OF DEFENSE AND THE AD-**
15 **MINISTRATOR OF NASA.**

16 The decisions concerning the execution of this title
17 as it applies to properties under the control of the Sec-
18 retary of Defense and the Administrator of the National
19 Aeronautics and Space Administration shall be made by
20 such Secretary or such Administrator, in consultation with
21 the Secretary of the Interior.

22 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—To carry out this title there is au-
24 thorized to be appropriated \$10,000,000, except that not

1 more than \$1,000,000 may be appropriated to carry out
 2 this title for any fiscal year.

3 (b) 50 PERCENT MATCH.—The Federal share of the
 4 cost of activities carried out using any assistance or grant
 5 under this title shall not exceed 50 percent.

6 **SEC. 110. SUNSET PROVISION.**

7 The authority of the Secretary to provide assistance
 8 under this title terminates on the date that is 15 years
 9 after the date of enactment of this title.

10 **TITLE II—WRIGHT COMPANY**
 11 **FACTORY STUDY**

12 **SEC. 201. STUDY.**

13 (a) IN GENERAL.—The Secretary shall conduct a
 14 special resource study updating the study required under
 15 section 104 of the Dayton Aviation Heritage Preservation
 16 Act of 1992 (Public Law 102–419) and detailing alter-
 17 natives for incorporating the Wright Company factory as
 18 a unit of Dayton Aviation Heritage National Historical
 19 Park.

20 (b) CONTENTS.—The study shall include an analysis
 21 of alternatives for including the Wright Company factory
 22 as a unit of Dayton Aviation Heritage National Historical
 23 Park that detail management and development options
 24 and costs.

1 (c) CONSULTATION.—In conducting the study, the
2 Secretary shall consult with the Delphi Corporation, the
3 Dayton Aviation Heritage Commission, the Aviation Her-
4 itage Foundation, State and local agencies, and other in-
5 terested parties in the area.

6 **SEC. 202. REPORT.**

7 Not later than 3 years after funds are first made
8 available for this title, the Secretary shall submit to the
9 Committee on Resources of the House of Representatives
10 and the Committee on Energy and Natural Resources of
11 the Senate a report describing the results of the study con-
12 ducted under section 201.

○